

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

December 02, 2019

United States of America
v.
Jesus Alfredo DE LA CRUZ Orobio
Milton VALENCIA Blandon
Juan David PORTOCARRERO Diaz

Case No.

4:19mj2218

David J. Bradley, Clerk of Court

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 21, 2019 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
46 U.S.C. Section 70503(a)(1)	Knowingly or intentionally manufacture, distribute, or possess with intent to manufacture or distribute a controlled substance on board a vessel of the U.S. or a vessel subject to the jurisdiction of the U.S.
46 U.S.C. Section 70506(a)(b)	Conspiracy to manufacture, distribute, or possess with intent to manufacture or distribute a controlled substance on board a vessel of the U.S. or a vessel subject to the jurisdiction of the U.S.

This criminal complaint is based on these facts:

See attachment

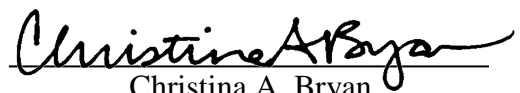
☒ Continued on the attached sheet.

Complainant's signature

John O'Brien, TFO-DEA

Printed name and title

SUBSCRIBED TO AND SWORN TELEPHONICALLY on December 02, 2019.


 Christina A. Bryan
 United States Magistrate Judge

AFFIDAVIT

I, John O'Brien, first being duly sworn, depose and state:

1. I am a Task Force Agent with the United States Drug Enforcement Administration (DEA) and have been so assigned as such since November 2007. I am presently assigned the Houston Field Division where I am responsible for conducting narcotics smuggling investigations involving the use of marine vessels. As a Task Force Office with DEA, I have participated in numerous narcotics investigations involving physical and electronic surveillance, the control and administration of confidential sources, international drug importations, and domestic drug organizations. I have participated in the arrest and subsequent prosecution of numerous drug traffickers. I also have spoken on numerous occasions with informants, suspects, and experienced narcotics investigators concerning the manner, means, methods and practices that drug traffickers use to further the operation of their drug trafficking organizations and the most effective methods of investigating and dismantling drug trafficking organizations.

2. As a law enforcement officer within the meaning of Section 2510(7) of Title 18, United States Code, I am empowered by law to conduct investigations of and make arrests for, but not limited to, offenses enumerated in Titles 18, 21, and 46 of the United States Code.

3. The information contained in this Affidavit is submitted for the sole purpose of establishing probable cause for the arrest of Jose Alfredo DE LA CRUZ Orobio, Milton VALENCIA Blandon, and Juan David PORTOCARRERO Diaz, for violation of Title 46, United States Code, Sections 70503(a)(1) and 70506(b), that is, having knowingly and willfully conspired to possess with intent to distribute five kilograms or more of cocaine, while on board a vessel subject to the jurisdiction of the United States.

4. Because this Affidavit is being submitted for the limited purpose of establishing probable cause, it does not contain all of the information known to me and other law enforcement

officers involved in this investigation. The facts and information contained in this Affidavit are based on my personal knowledge and observations, as well as upon information received in my official capacity from other individuals, including other law enforcement officers involved in this investigation as well as my review of records, documents, and other physical items obtained during the course of this investigation.

5. On November 21, 2019, a Marine Patrol Aircraft (MPA) detected a go-fast vessel (GFV) 81 nautical miles southeast of the Malpelo Island, Colombia. This GFV did not appear to have any indicia of nationality and was suspected of illicit maritime activity due to its low profile design to avoid detection and its operation in waters known for drug trafficking transit. The United States Coast Guard (USCG) Cutter Thetis was in the area and diverted for intercept of the GFV. The Thetis deployed its Over-the-Horizon (OTH) to intercept the GFV.

6. Thetis was able to positively gain control of the GFV and requested a statement of "no objection" for "right of visit" to board pursuant to international maritime law which was granted. The USCG observed no flag flown, no registration documents, and no registration number, homeport, or name on the haul of the GFV. The USCG crew conducted a safety sweep of the GFV and located three Colombian National crewmen, Jose Alfredo DE LA CRUZ Orobio, Milton VALENCIA Blandon, and Juan David PORTOCARRERO Diaz onboard. Jesus Alfredo DE LA CRUZ Orobio identified himself as the master of the boat and claimed the boat to be of Colombian nationality. Colombian authorities were contacted and they could not confirm the nationality of the vessel. District 11 then granted Thetis authority to conduct a full law enforcement boarding. During the boarding, Jesus Alfredo DE LA CRUZ Orobio told USCG that the purpose of their voyage as to transport drugs.

7. The USCG boarding team discovered contraband forward of the main living space. A test was conducted on the contraband which tested positive for the presence of cocaine. The

crewmembers and the master of the vessel were detained at this time. The USCG boarding team from Thetis recovered 54 bales of cocaine with an estimated weight of 1,321 kilograms.

8. The USCG is prepared to transfer custody of Jose Alfredo DE LA CRUZ Orobio, Milton VALENCIA Blandon, and Juan David PORTOCARRERO Diaz to U.S. law enforcement upon arrival to first enter the United States at Key West, Florida, Southern District of Florida, on or about December 5, 2019, pending transfer to the Southern District of Texas.

9. Based on the foregoing facts, your Affiant submits that probable cause exists to believe that Jose Alfredo DE LA CRUZ Orobio, Milton VALENCIA Blandon, and Juan David PORTOCARRERO Diaz, while on board a vessel subject to jurisdiction of the United States, did knowingly and willfully conspire to possess with intent to distribute a controlled substance, that is, five kilograms or more of cocaine, in violation of Title 46, United States Code, Sections 70503(a)(1) and 70506(b).



John W. O'Brien Task Force Officer
DRUG ENFORCEMENT ADMINISTRATION

SUBSCRIBED TO AND SWORN TELEPHONICALLY on December 02, 2019.



Christina A. Bryan
United States Magistrate Judge